

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM J. BUCK, #R-21689,

Plaintiff,

vs.

LT. LASHBROOK, and LT. MIFFLIN,

Defendants.

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CASE NO. 12-cv-911-JPG-PMF

ORDER DISMISSING CASE

GILBERT, District Judge:

This action came before the Court on Plaintiff's complaint, which was filed on August 15, 2012 (Doc. 1). On August 23, 2012, Plaintiff was ordered to pay the \$350.00 filing fee or to file a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs in this case not later than September 4, 2012 (Doc. 5). This date has since passed and Plaintiff has not tendered the filing fee in full to this Court nor has he filed a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs. As a result, **IT IS HEREBY ORDERED AND ADJUDGED** that this action is **DISMISSED** without prejudice for failure to comply with an order of this Court. **Fed.R.Civ.P.** 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: September 13, 2012

s/J. Phil Gilbert
United States District Judge